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Shunpei Yamazaki

SEL 161

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7590

05/05/2008

Mark J Murphy
Cook Alex Mcfarron Manzo Cummings & Mehler LTD
200 West Adams Street Suite 2850
Chicago, IL 60606

EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

05/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed April 28, 2008 have been fully considered but they are not persuasive.

2. Applicant argues:

“For example, in the Final Rejection, the Examiner continues to contend that Tang discloses a planarizing film 52 and cites col. 7, lines 17-19 in Tang in support of his contention. However, merely teaches in column 7, lines 17-19 that “an insulating layer, preferably silicon dioxide, 52 is applied over the entire surface of the device.” Hence, Applicants respectfully submit that Tang does not teach a planarizing film.”

“Applicants previously raised this point in their last response (filed November 7, 2007) to the Examiner's Office Action, but the Examiner has not addressed this point in the Final Rejection. Accordingly, it is respectfully requested that the Examiner withdraw this Final Rejection and issue a new action addressing this point.”

3. The Examiner respectfully acknowledges the issue of Tang was raised in the response filed November 7, 2007. However, as stated in Final Rejection (mailed January 28, 2008), “Applicant's arguments with respect to Claims 1, 36, 42, 48, 54, and 60 have been considered but are moot in view of the new grounds of rejection.” The Examiner further stated, “Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.”

4. Applicant is reminded that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, since the rejection of each independent claim, in

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the Final Rejection, relied on a new combination of references to demonstrate the obviousness of Applicant's claimed invention, the Examiner determined there was no need to specifically address the issue identified by Applicant in the Final Rejection. Thus, at least for this reason, the Final Rejection is deemed proper and will be maintained.

5. Secondly, as indicated in the Final Rejection, Tang's figure 8 clearly shows a thin film transistor that is formed directly over the "polysilicon island". Furthermore, Tang discloses, in column 7 (lines 17 – 19), that "an insulating later, preferably silicon dioxide, 52 is applied over the entire surface of the device." The claim language, as exemplified by Claim 1, simply recites, "a thin film transistor formed over the first surface of the substrate; a planarizing film formed over the thin film transistor". No other details regarding the "planarizing film" are claimed in Claim 1.

6. According to Applicant's specification (see page 13, line 15), the "planaziring film" 4026 is nothing more than an insulation film. Therefore, since Tang's layer 52 is described as an "insulating layer", the Examiner submits Tang's layer 52 satisfies the claim's "planarizing film" requirement in at least one respect. Additionally, as shown in Tang's figure 8, the application of layer 52 as an insulating layer appears to maintain the relatively planar surface of the polysilicon island that existed prior to application of the layer 52. Furthermore, the overall additional height added to the polysilicon island by application of the thin film transistor over the polysilicon island appears to be mitigated by the application of the insulating layer 52 over the thin film transistor. Therefore, the Examiner maintains that the layer 52 satisfies the claim's "planarizing film" requirement. Hence, at least for this reason, the Final Rejection is again deemed proper and will be maintained.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/
Examiner, Art Unit 2622
May 5, 2008**